
STATUTORY INSTRUMENTS

1999 No. 1082

**The Scotland Act 1998 (Transitory and Transitional Provisions)
(Scottish Parliamentary Pension Scheme) Order 1999**

PART P

TRANSFERS

Transfers to other pension schemes

P1.—(1) At the request of any person who has been a participant but who has ceased to be either—

- (a) a member of the Parliament; or
- (b) an office holder,

and who (in either case) has not become entitled to a pension under the Scheme, the Parliamentary corporation shall pay into or for the purposes of any one, or more than one, scheme or annuity to which this article applies, a sum or sums representing the transfer value of that person's accrued pension rights in the Fund (referred to in this article as a "transfer payment").

(2) This article applies to any scheme or annuity which satisfies the requirements prescribed by regulations made under section 95(2) of the Pension Schemes Act 1993.

(3) Where a person has required the Parliamentary corporation to make a transfer payment in accordance with paragraph (1), there shall be deducted from that payment—

- (a) the amount of any contributions equivalent premium; or
- (b) an amount sufficient to meet the liability in respect of the person's contracted-out rights.

(4) The amount mentioned in paragraph (1)(b) may not be deducted where—

- (a) the transfer payment is made to an occupational pension scheme which is contracted-out or an appropriate personal pension scheme; and
- (b) that scheme's trustees or managers undertake to accept liability for his contracted-out rights.

(5) Where the amount mentioned in paragraph (1)(a) is deducted, if the Parliamentary corporation thinks fit, that amount may be used in preserving the liability mentioned in paragraph (2)(b) in the Fund, otherwise it may be used in paying the contributions equivalent premium.

(6) A person may require the Parliamentary corporation to make a transfer payment in respect of him at any time before a date—

- (a) not more than one year before the date on which he attains the age of 65; or
- (b) not more than six months after the date on which he ceases to be a participant,

whichever is the later.

Transfers to other pension schemes after opt-out

P2.—(1) At the request of any person who—

- (a) is an opted-out member or an opted-out office holder who is not a member of the Parliament; and
- (b) has not become entitled to a pension under the Scheme,

the Parliamentary corporation shall pay into or for the purpose of any one or more than one scheme or annuity to which this article applies a sum or sums representing the transfer value of that person's accrued pension rights in the Fund.

(2) This article applies to any fund or scheme specified in regulation P1(2).

(3) Where a transfer value has been paid under this article in respect of a person who is an opted-out member or an opted-out office holder and that person subsequently ceases to be a member of the Parliament or an office holder, a transfer value may be paid under article P1 in respect of any pension rights accrued to or in respect of him which are preserved in the Scheme.

(4) Article P1(3) and (4) shall apply for the purposes of this article.

Transfer to overseas pension schemes

P3.—(1) At the request of any person who has been a participant but who has ceased to be either—

- (a) a member of the Parliament; or
- (b) an office holder,

and who (in either case) has not become entitled to a pension under the Scheme, the Parliamentary corporation shall pay into or for the purposes of any one, or more than one, fund or scheme to which this article applies a sum or sums representing the transfer value of that person's accrued pension rights in the Fund.

(2) This article applies to any overseas fund or scheme which is approved by the Parliamentary corporation, provided that the Parliamentary corporation shall before giving such approval consult and have regard to the views of the Board of Inland Revenue and the Occupational Pensions Regulatory Authority as to the suitability of the fund or scheme for the purposes of this article.

(3) At the request of any person—

- (a) in respect of whom any sum has been paid under this article into or for the purposes of an overseas fund or scheme; and
- (b) who is not at the time the request is made a member of the Parliament or the holder of a qualifying office,

the Parliamentary corporation may receive a sum, out of, or out of monies held for the purposes of, that fund or scheme, equal to the sum paid under this article together with interest thereon from the date of that payment at such a rate as may be agreed by the Parliamentary corporation.

Effect of transfers out on reckonable service

P4. Where any sums are paid by the Parliamentary corporation under article P1, P2 or P3 in respect of any person, then—

- (a) for the purpose of calculating that person's aggregate period of reckonable service as a participating member or his aggregate period of reckonable service as a participating office holder, no account shall be taken of any period before the date of that payment; and
- (b) for the purposes of articles N1 and N2 any contributions paid by him before that date shall be treated as not having been paid.

Certification by the Government Actuary

P5. For the purposes of articles P1, P2 and P3, any transfer value of the whole or part of a person's accrued pension rights under this Scheme shall be such sum as shall satisfy the requirements prescribed under section 95(2) of the Pension Schemes Act 1993 and shall be certified by, or calculated in accordance with tables prepared by, the Government Actuary.

Transfers from other pension schemes

- P6.**—(1) At the request of any person who—
- (a) is a participating member;
 - (b) is an opted-out member who applies to rejoin the Scheme under article C5;
 - (c) is not a member of the Parliament, but is a participating office holder; or
 - (d) is not a member of the Parliament, but is an opted-out office holder who applies to rejoin the Scheme under article C6,

the Parliamentary corporation shall receive any sums payable by way of transfer value in respect of him out of, or out of moneys held for the purposes of, any scheme or annuity to which article P1 applies, or under any enactment for the time being in force which authorises the transfer of pension rights.

(2) Where any sums are received by the Parliamentary corporation under paragraph (1) at the request of any person—

- (a) he shall be credited with such period or, as the case may be, such additional period, of reckonable service as may be determined by the Parliamentary corporation; and
- (b) for the purposes of articles N1 and N2, the sums so received by the Parliamentary corporation, so far as in its opinion they represent his own contributory payments, shall be treated as if they were contributions paid by him, at the same times as those contributory payments were made, by deduction from his salary under article D1.

(3) Any period determined by the Parliamentary corporation under paragraph (2)(a) shall be a period or number of years either certified by the Government Actuary as being appropriate in relation to the sums received by the Parliamentary corporation at the request of the person in question or a period or number of years calculated, in accordance with tables prepared by the Government Actuary, as being appropriate in relation to those sums.